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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,868	11/26/2003	Kunio Kato	402886	6088
23548	7590	06/30/2006	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			PICO, ERIC E	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/721,868

Applicant(s)

KATO ET AL.

Examiner

Eric Pico

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/26/2006</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim(s) 5-7 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Wittur WO Publication No. 99/16694 in view of Hiormi et al. JP Publication No. 2000-086126.

3. **Regarding claim 5**, Wittur discloses an elevator system comprising a hoisting machine disposed within a hoistway between a wall of the hoistway and a car 1, when viewed horizontally, wherein the car 1 moves vertically in the hoistway, and the hoisting machine includes a drive sheave, referred to as driving disks 7, facing the wall of the hoistway, rotating about an axis, and having respective outer dimensions along and traverse to the axis, the outer dimension along the axis being smaller than the outer dimension traverse to the axis.

4. Wittur further discloses the elevator system comprising a base member, not numbered but shown as the ground in Figure 2, on the bottom of the hoistway, disposed on the bottom of the hoistway.

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5. Wittur further discloses the elevator system comprising a fixing member, shown as the bottom sections of guide elements 3, 4 in Figure 2, extending vertically from a bottom of the hoistway.

6. Wittur further discloses the elevator system comprising a mount member, referred to as mounting frame 6, the mount member 6 being fastened to the fixing member.

7. Wittur is silent concerning a securing member.

8. Hiormi et al. teaches a securing member, referred to as supporting fitting 11, being secured to the wall of the hoistway.

9. It would have been obvious to one of ordinary skill in the art at the time of the invention to attach a securing member taught by Hiormi et al. to the fixing member disclosed by Wittur to secure and support the hoisting machine.

10. **Regarding claim 6**, Wittur discloses a mount member 8.

11. Wittur is silent concerning the mount member having a hollow square shape and support sections for supporting the hoist located at the upper portion and at a lower portion of the mount member.

12. Hiormi et al. teaches a mount member, referred to as apparatus foundation frame 10 comprised of elements 10a, 10b, 10c, 10d, having a hollow square shape and support sections, referred to as apparatus foundation 10a and reinforcing member 10d, for supporting the hoist located at the upper portion and at a lower portion of the mount member.

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13. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the mount member disclosed Wittur have a hollow square shape and support sections taught by Hiormi et al. to facilitate mounting and support of the hoisting machine.

14. **Regarding claim 7**, Wittur further discloses the mount member 6 is attached to the upper portion of the fixing member, shown as the bottom sections of guide elements 3, 4 in Figure 2, extends upright from a base member, not numbered but shown as the ground in Figure 2, on the bottom of the hoistway, and the base member is provided for supporting elevator rails 3, 4, by means of the lower sections of guide rails 3, 4.

#### ***Response to Arguments***

15. Applicant's arguments filed 04/10/2006 have been fully considered but they are not persuasive.

16. In response to applicant's argument where the location of the hoisting machine may be in Wittur is not clear from the brief disclosure of Wittur. The U.S. Patent No. 6782975, the U.S. cognate of Wittur states, "A drive not shown which acts on said driving disks in accordance with the embodiment under FIG. 1 is disposed in the area of said lower mounting frame 6 together with said driving disks 7."

17. In response to applicant's argument "the base member cannot be the bottom of the hoistway because it is disposed on the bottom of the hoistway and these two elements, the base member and the bottom, are separately described in claim 5," this argument is not persuasive. Applicant fails to define the bottom of the hoistway as an

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element and can be interpreted as a location, therefore the ground shown in Figure 2 disposed on the bottom of the hoistway meets the claimed feature.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589.

The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**KATHY MATECKI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**